

ESTTA Tracking number: **ESTTA356539**

Filing date: **07/06/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Connor Sport Court International, Inc.
Granted to Date of previous extension	07/04/2010
Address	939 South 700 West Salt Lake City, UT 84104 UNITED STATES
Attorney information	Peter M. de Jonge Thorpe North & Western, LLP P.O. Box 1219 Sandy, UT 84091-1219 UNITED STATES murphy@tnw.com, barracough@tnw.com, dejonge@tnw.com, docket@tnw.com Phone:801.566.6633

Applicant Information

Application No	79047859	Publication date	01/05/2010
Opposition Filing Date	07/06/2010	Opposition Period Ends	07/04/2010
International Registration No.	0947779	International Registration Date	11/22/2007
Applicant	JEFFREY BROMLEY WILLIAMS; and BEVERLEY ANNE WILLIAMS; (a Partnership) 20 Ley Hey Road Marple, Cheshire SK6 6PQ UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 028.

All goods and services in the class are opposed, namely: Sporting articles and apparatus for playing racquet sports, namely, tennis racquets, tennis balls, tennis nets, tennis racquet covers; badminton racquets, shuttlecocks, badminton nets, badminton racquet covers; games, namely, parlor games; sports or play articles, namely, balls for games, sports balls, soft balls for play, footballs being soccer balls, juggling balls, balloons, play nets for use in mini tennis, tennis, badminton, soccer, volleyball, hockey, and cricket, balancing beams, yo-yos, coil quoits, bean bags, and obstacle courses comprised of plastic toy hoops, cones, rods, poles, shallow cones and carry poles; court markers for use in mini tennis, tennis, badminton, soccer, volleyball, hockey and cricket, personal exercise fitness mats, skipping ropes, sports racquets for tennis and badminton, rebound trainer nets for mini tennis, tennis, badminton, soccer, volleyball, hockey and cricket, nets for playing sports, all the aforesaid goods being for use in coaching and training to assist in the teaching of hand to eye coordination, fitness, reflex and reaction training as coaching aids; wrist supports for training in sports; court markers for playing sports and games; mini hurdles for hurdling; practice nets for sports; skipping


ropes; fitness training ladders; speed, agility and footwork ladders; court and racetrack markers for marking out sports courts and running tracks; sports training belts in the nature of weight lifting belts; parachute resistant trainers for sports; medicine balls; sponge balls for strengthening hands and wrists for athletic purposes

Grounds for Opposition


False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1155586	Application Date	03/26/1979
Registration Date	05/26/1981	Foreign Priority Date	NONE
Word Mark	SPORT COURT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1978/05/00 First Use In Commerce: 1978/05/00 Tote Bags Class 025. First use: First Use: 1975/06/00 First Use In Commerce: 1975/06/00 Clothing-Namely, Sun Visors and T-Shirts Class 028. First use: First Use: 1978/03/00 First Use In Commerce: 1978/03/00 Sports Equipment-Namely, Backboards, Nets, Racquets, Balls, and Ball Rebounders		

U.S. Registration No.	1100976	Application Date	04/02/1975
Registration Date	08/29/1978	Foreign Priority Date	NONE
Word Mark	SPORT COURT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1973/05/20 First Use In Commerce: 1973/05/20 RECREATIONAL PATIO INSTALLATION SERVICES		

U.S. Registration No.	1177220	Application Date	03/26/1979
Registration Date	11/10/1981	Foreign Priority	NONE

		Date	
Word Mark	SPORT COURT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1978/05/00 First Use In Commerce: 1978/05/00 Tote Bags Class 025. First use: First Use: 1975/06/00 First Use In Commerce: 1975/06/00 Clothing-Namely, Sun Visors, and T-Shirts Class 028. First use: First Use: 1978/03/00 First Use In Commerce: 1978/03/00 Sports Equipment-Namely, Backboards, Nets, Racquets, Balls, Ball Rebounders Class 037. First use: First Use: 1973/05/20 First Use In Commerce: 1973/05/20 Recreational Patio Installation Services		

U.S. Registration No.	1727818	Application Date	02/28/1991
Registration Date	10/27/1992	Foreign Priority Date	NONE
Word Mark	SPORT COURT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1975/05/00 First Use In Commerce: 1975/05/00 recreational and athletic play surfaces and related equipment for said surfaces; namely, nets, basketball backboards and lighting fixtures sold as a unit		

U.S. Registration No.	2479328	Application Date	12/23/1999
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	SPORT COURT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 019. First use: First Use: 1974/12/31 First Use In Commerce: 1974/12/31 plastic interlocking floor tiles

Attachments	73048329#TMSN.gif (1 page)(bytes) 73208713#TMSN.gif (1 page)(bytes) 75879564#TMSN.gif (1 page)(bytes) zsig opp.pdf (6 pages)(230677 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jabbybarracclough/
Name	J. Abby Barracclough
Date	07/06/2010

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J. Abby Barraclough
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Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for Connor Sport Court International, Inc.
Opposed Mark: ZSIG
U.S. Trademark Application Serial Number 79/047,859

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Connor Sport Court International, Inc. Opposer, v. Jeffrey Bromley Williams and Beverly Anne Williams Applicants.	Opposition No. _____
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NOTICE OF OPPOSITION

Connor Sport Court International, Inc. (hereinafter referred to as "Opposer"), a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 939 South 700 West, Salt Lake City, Utah 84104, believes it will be damaged by the registration of the mark ZSIG in Application Serial No. 79/047,859, and opposes and alleges the following:

1. Upon information and belief, Jeffrey Bromley Williams and Beverly Anne Williams (hereinafter "Applicants"), a general partnership organized and existing under the laws

of the United Kingdom, having a principal place of business at 20 Ley Hey Road Marple, Cheshire SK6 6PQ, UNITED KINGDOM, seeks to register the mark ZSIG as a trademark for “sporting articles and apparatus for playing racquet sports, namely, tennis racquets, tennis balls, tennis nets, tennis racquet covers; badminton racquets, shuttlecocks, badminton nets, badminton racquet covers; games, namely, parlor games; sports or play articles, namely, balls for games, sports balls, soft balls for play, footballs being soccer balls, juggling balls, balloons, play nets for use in mini tennis, tennis, badminton, soccer, volleyball, hockey, and cricket, balancing beams, yo-yos, coil quoits, bean bags, and obstacle courses comprised of plastic toy hoops, cones, rods, poles, shallow cones and carry poles; court markers for use in mini tennis, tennis, badminton, soccer, volleyball, hockey and cricket, personal exercise fitness mats, skipping ropes, sports racquets for tennis and badminton, rebound trainer nets for mini tennis, tennis, badminton, soccer, volleyball, hockey and cricket, nets for playing sports, all the aforesaid goods being for use in coaching and training to assist in the teaching of hand to eye coordination, fitness, reflex and reaction training as coaching aids; wrist supports for training in sports; court markers for playing sports and games; mini hurdles for hurdling; practice nets for sports; skipping ropes; fitness training ladders; speed, agility and footwork ladders; court and racetrack markers for marking out sports courts and running tracks; sports training belts in the nature of weight lifting belts; parachute resistant trainers for sports; medicine balls; sponge balls for strengthening hands and wrists for athletic purposes” in International Class 28.

2. Opposer is the owner of U.S. Trademark Registration No. 1155586 for the mark SPORT COURT for use in connection with “tote bags” in International Class 18, “clothing, namely sun visors and t-shirts,” in International Class 25, and “sports equipment, namely, backboards, nets, racquets, balls and ball rebounders,” in International Class 28.

3. Opposer is currently using and has continuously used the mark SPORT COURT for the goods in Class 18 in Registration No. 1155586 in interstate commerce since at least as early as May of 1978. In addition, Opposer is currently using and has continuously used the mark SPORT COURT for the goods in Class 25 in Registration No. 1155586 since at least as early as June of 1975. Further, Opposer is currently using and has continuously used the mark SPORT COURT for the goods in Class 28 in Registration No. 1155586 since at least as early as March of 1979.

4. Opposer is the owner of U.S. Trademark Registration No. 1100976 for the mark SPORT COURT for use in connection with “recreational patio installation services,” in International Class 37.

5. Opposer is currently using and has continuously used the mark SPORT COURT in Registration No. 1100976 in interstate commerce since at least as early as May of 1973.

6. Opposer is the owner of U.S. Trademark Registration No. 1177220 for the mark SPORT COURT (and design) for use in connection with “tote bags,” in International Class 18, “sports equipment-namely, backboards, nets, racquets, balls, ball rebounders,” in International Class 28, and “recreational patio installation services,” in International Class 37.

7. Opposer is currently using and has continuously used the mark SPORT COURT (and design) for the goods in Class 18 in Registration No. 1177220 in interstate commerce since at least as early as May of 1978. In addition, Opposer is currently using and has continuously used the mark SPORT COURT (and design) for the goods in Class 28 in Registration No. 1177220 since at least as early as March of 1978. Further, Opposer is currently using and has continuously used the mark SPORT COURT (and design) for the services in Class 27 in Registration No. 1177220 since at least as early as May of 1973.

8. Opposer is the owner of U.S. Trademark Registration No. 1727818 for the mark SPORT COURT for “recreational and athletic play surfaces and related equipment for said surfaces; namely nets, basketball backboards and lighting fixtures sold as a unit,” in International Class 28.

9. Opposer is currently using and has continuously used the mark SPORT COURT in Registration No. 1727818 in interstate commerce since at least as early as May of 1975.

10. Opposer is the owner of U.S. Trademark Registration No. 2479328 for the mark SPORT COURT for use in connection with “plastic interlocking floor tiles,” in International Class 19.

11. Opposer is currently using and has continuously used the mark SPORT COURT in Registration No. 2479328 in interstate commerce since at least as early as December of 1974.

12. Opposer has built up substantial good will in its SPORT COURT and SPORT COURT (and design) marks.

13. Registration of Applicant’s mark ZSIG is likely to damage Opposer in that Applicant’s mark, when used on or in connection with the identified goods, so resembles Opposer’s SPORT COURT marks as to be likely to cause confusion, to cause mistake or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.

14. Registration of Applicant’s mark ZSIG is likely to damage Opposer in that Applicant is using Opposer’s SPORT COURT mark and/or terms confusingly similar thereto in the description of goods in the ZSIG trademark application. Such use of Opposer’s mark and or confusingly similar terms in the description of goods for ZSIG is likely to cause confusion, to

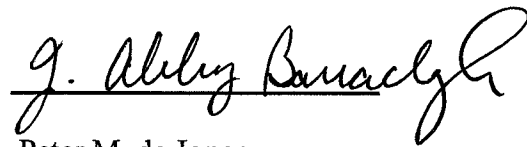
cause mistake or to deceive. Moreover, such confusion is likely to falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer requests that Application Serial No. 79/047,859 be refused registration, that no registration be issued to Applicant for the mark ZSIG and that this Opposition be sustained in favor of Opposer.

That statutory Opposition Filing Fee of \$300.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 6th day of July, 2010.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Abby Barraclough", written over a horizontal line.

Peter M. de Jonge
J. Abby Barraclough
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant's Attorney of Record by the method(s) indicated:

William J. Seiter, Esq.
Seiter & Co.
220 26th Street, Ste. 202
Santa Monica CA 90402

☐ Hand Delivery
☒ United States Mail
First Class, Postage Pre-Paid
☐ Overnight Delivery
☐ Fax Transmission
☒ Electronic Mail

on this 6th day of July, 2010.

